

**VIA CM/ECF FILING**

November 2, 2021

The Honorable Virginia K. DeMarchi  
Robert F. Peckham Federal Building  
Courtroom 2 – 5th Floor  
280 South 1st Street  
San Jose, CA 95113

Re: Joint Discovery Letter Regarding Court's October 26, 2021 Privilege Dispute Order in  
Maximilian Klein et al. v. Facebook, Inc., Case No. 5:20-cv-08570-LHK (N.D. Cal.)

Dear Judge DeMarchi:

Pursuant to the Court's instructions during the Court's October 26, 2021 discovery hearing and the Court's subsequent order following that hearing (Dkt. 171), the Consumer Plaintiffs, the Advertiser Plaintiffs, and Defendant Facebook, Inc. ("Facebook") write to provide the following updates to the Court.

Schedule for Further Briefing Regarding Facebook's August 20, 2021 Clawback Notice.  
As to the parties' dispute regarding Facebook's August 20, 2021 Clawback Notice, the parties have agreed to the following briefing schedule:

- November 8, 2021: Plaintiffs will submit their opening brief.
- November 23, 2021: Facebook will submit its responsive brief.

Each party's brief shall not exceed 15 pages of substantive text and shall comply with the font and typeface requirements set forth in N.D. Cal. Civil L.R. 3-4(c)(2). Absent leave of Court, the parties will not submit any replies or sur-replies regarding the parties' dispute as to Facebook's August 20, 2021 Clawback Notice. Subject to the Court's availability, the parties anticipate requesting a hearing regarding this dispute to occur at a date and time after briefing has closed and which is consistent with the Court's civil law and motion calendar (which is usually held on Tuesdays at 10:00 a.m.).

Status of Discussions Regarding Proposed Modifications to 502(d) Clawback Order. The parties appreciate the guidance that the Court provided during the October 26, 2021 hearing. The parties have exchanged drafts of their respective proposed modifications to the 502(d) Clawback Order and anticipate submitting any dispute to the Court regarding those proposed modifications on November 10, 2021, pursuant to the joint discovery letter brief procedures outlined in Section 4 of the Court's Standing for Civil Cases.

DATED: November 2, 2021

By /s/ Yavar Bathaee

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Respectfully submitted,

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**ATTESTATION OF BRANTLEY I. PEPPERMAN**

This document is being filed through the Electronic Case Filing (ECF) system by attorney Brantley I. Pepperman. By his signature, Mr. Pepperman attests that he has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

Dated: November 2, 2021

By: /s/ Brantley I. Pepperman  
Brantley I. Pepperman

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of November 2021, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System, causing the document to be electronically served on all attorneys of record.

Dated: November 2, 2021

By: /s/ Brantley I. Pepperman  
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